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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/134,453	08/14/1998	RICHARD A. GRAFF	GRAFF-P2-98	8015

7590 08/16/2004
PETER K TRZYNA
P O BOX 7131
CHICAGO, IL 606807131

EXAMINER

ROSEN, NICHOLAS D

ART UNIT PAPER NUMBER

3625

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Communication Re: Appeal

Application No.

09/134,453

Applicant(s)

GRAFF, RICHARD A.

Examiner

Nicholas D. Rosen

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MW

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

1. ☐ The Notice of Appeal filed on _____ is not acceptable because:

- (a) ☐ it was not timely filed.
- (b) ☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).
- (c) ☐ the appeal fee received on _____ was not timely filed.
- (d) ☐ the submitted fee of \$_____ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$_____.
- (e) ☐ the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.
- (f) ☐ a Notice of Allowability, PTO-37, was mailed by the Office on _____.

2. ☒ The ~~reply~~ brief filed on 25 April 2003 is NOT acceptable for the reason(s) indicated below:

- (a) ☒ the brief and/or brief fee is untimely. See 37 CFR 1.193.
- (b) ☐ the statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).
- (c) ☐ the submitted brief fee of \$_____ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$_____.

The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. Extensions of time may be obtained under 37 CFR 1.136(a).

3. ☐ The appeal in this application is DISMISSED because:

- (a) ☐ the statutory fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
- (b) ☐ the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
- (c) ☐ Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on _____.
- (d) ☐ other: _____

4. ☐ Because of the dismissal of the appeal, this application:

- (a) ☐ is abandoned because there are no allowed claims.
- (b) ☐ is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
- (c) ☐ is before the examiner for consideration of the submission and prosecution has been reopened pursuant to 37 CFR 1.114.

This communication follows Paper #34, mailed July 13, 2004.

Examiner thanks Applicant for providing copies of Appeal Briefs, Papers #26 and #28, and of IDS, Paper #8. Examiner regrets that the copies originally filed in the case were lost.

1. Examiner has (again) reviewed the patents and non-patent literature listed on IDS Paper #8, and includes copies of that IDS, indicating his consideration of the prior art.
2. The Appeals Brief of August 19, 2002, and the Appeals Brief of October 29, 2002 are now, once again, included in the application file, and Examiner hopes that no further problems with these will arise.
3. Regarding the After Final Amendment, Paper #19, Examiner regrets his ambiguous Advisory Action, Paper #20, and hereby states that the amendments in question were not entered, and are not to be entered.
4. Therefore, the amendment filed May 8, 2002, Paper #19, is not to be physically entered in the file.
5. However, the After Final Amendment of June 24, 2002 (Paper #23) was accepted for entry, and is to be physically entered in the case. Examiner will so instruct the Legal Instruments Examiner.
6. The Reply Brief filed April 25, 2003 (Paper #32) was untimely filed, as set forth in the "Order Returning Undocketed Appeal," Paper #34, a copy of which has been sent to the Applicant. As set forth therein, the Reply Brief and Request for Extension of Time

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were not timely according to 37 CFR 1.193 and 37 CFR 1.136, were filed under the wrong section of 37 CFR 1.136, and will therefore not be entered.

7. Accordingly, Examiner is now providing notification to Applicant, as directed by Mr. Dale Shaw, Program and Resource Administrator, for the Board of Patent Appeals and Interferences, in Paper #34.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. (Wynn Coggins is currently on assignment elsewhere in the Patent Office; the examiner's acting supervisor, Jeffrey Smith, can be reached at 703-308-3588.) The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen

**NICHOLAS D. ROSEN
PRIMARY EXAMINER**

August 13, 2004

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Form PTO-1449 (modified)	Atty. Docket No. Graff-P2-98	Serial No. 09/134453
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT	Applicant: Richard A. Graff	
	Filing Date: August 14, 1998	Group: 2761
	(Use several sheets if necessary)	
U.S. Patent Documents <i>See Pages 1-2</i>	Foreign Patent Documents <i>See Page 2</i>	Other Art <i>See Page 2</i>

U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date if App.
<i>NDR</i>	A1	3,581,072	May 25, 1971	Auction Market Computation System	340 705	422.5 37	Mar. 28, 1968
<i>NDR</i>	A2	4,412,287	Oct. 25, 1983	Automated Stock Exchange	705	37	Sept. 15, 1982
<i>NDR</i>	A3	4,674,044	Jun. 16, 1987	Automated Securities Trading System	364 705	408 37	Jan. 30, 1985
<i>NDR</i>	A4	4,789,928	Dec. 6, 1988	Auction Information Transmission Processing	364 705	401 35	Jan. 30, 1987
<i>NDR</i>	A5	4,823,265	Apr. 18, 1989	Renewable Option and Marketing System	705	35	May 11, 1987
<i>NDR</i>	A6	4,903,201	Feb. 20, 1990	Automated Futures Trading Exchange	364 705	408 37	Nov. 3, 1983
<i>NDR</i>	A7	4,980,826	Dec. 25, 1990	Voice Actuated Automated Futures Trading Exchange	364 705	408 37	Mar. 19, 1984
<i>NDR</i>	A8	5,038,284	Aug. 6, 1991	Method and Apparatus Relating to Conducting Trade Transactions With Portable Trading Stations	705	37	Feb. 17, 1998
<i>NDR</i>	A9	5,077,665	Dec. 31, 1991	Distributed Matching System	364 705	408 37	May 25, 1989
<i>NDR</i>	A10	5,101,353	Mar. 31, 1992	Automated System for Providing Liquidity to Securities Markets	705	37	May 31, 1989
<i>NDR</i>	A11	5,136,501	Aug. 4, 1992	Anonymous Matching System	364 705	408 37	May 26, 1989
<i>NDR</i>	A12	5,220,500	Jun. 15, 1993	Financial Management System	364 705	408 36	Sept. 19, 1989

EXAMINER: *Nicholas D. Rodin*DATE CONSIDERED: *August 12, 2004*

EXAMINER: INITIAL IF REFERENCE CONSIDERED. WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609. DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. ENCL. DE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)

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Form PTO-1449 (modified)	Atty. Docket No. Graff-P2-98	Serial No. 09/134453
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	Filing Date: August 14, 1998	Group: 2761
(Use several sheets if necessary)		
U.S. Patent Documents <i>See Pages 1-2</i>	Foreign Patent Documents <i>See Page 2</i>	Other Art <i>See Page 2</i>

U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date If App.
<i>NDR</i>	A13	5,243,515	Sept. 7, 1993	Secure Teleprocessing Bidding System	364 705	401 37	Oct. 30, 1990
<i>NDR</i>	A14	5,375,055	Dec. 20, 1994	Credit Management for Electronic Brokerage System	364 705	408 37	Feb. 3, 1992
<i>NDR</i>	A15	5,774,880	Jun. 30, 1998	Fixed Income Portfolio Index Processor	705	36	Feb. 28, 1995
<i>NDR</i>	A16	5,857,176	Jan. 5, 1999	Fixed Income Portfolio Data Processor	705	36	May 9, 1997

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1						
	B2						

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
<i>NDR</i>	C1	Renata Morgenstern, "Electronic Bidding for Municipal Bonds: Technology Innovations for Competitive Bond Sales", Government Finance Review, Pgs. 23-25, February, 2000
<i>NDR</i>	C2	Nicholas J. Dazzo, "In Today's Muni Market, Data Bases, Not Books, Provide Dealers, Clients With Timely Bond Data: Municipal bond dealers have never had it so easy", Public Finance Technology, Pg. 12A, Vol. 289, No. 28217, August 29, 1989
<i>NDR</i>	C3	"JP Morgan and Capital Link In Bid to Develop Electronic Auction for Corporate Debt Securities", Trading Systems Technology, Vo. 2, N20, April 24, 1989
<i>NDR</i>	C4	Richard Richtmyer, "Survey Shows Bond Market Is Warming Up to Electronic Trading", The Bond Buyer, Vol. 321, No. 30213, August 20, 1997

EXAMINER: *Nicholas D. Robin*DATE CONSIDERED: *August 13, 2004*

EXAMINER: INITIAL IF REFERENCE CONSIDERED. WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609. DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)